IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1554 OF 2005
IN
SUIT NO. 1126 OF 1986

Xavier A. Kinny ... PLAINTIFF

V/s.

Smt. Joyce A. Kinny & Ors. ... DEFENDANTS

Mr. K.R. Belosay for the plaintiff.
None for the defendants.

CORAM : ANOOP V. MOHTA, J.
DATED : 24th March, 2006

P.C.

. Heard.

2. None heard for the contesting defendant No.1. Plaintiff has taken out this Notice of Motion to consolidate Suit No. 1126 of 1986 pending in this Court and Suit No. 6113 of 1986 pending before Bombay City Civil Court between the parties. Issues are same, parties are same and as pointed out, even common evidence will suffice to decide both the suits.

3. By order dated 28.10.2004, City Civil Court has already passed following order :-

(1) Notice of Motion No. 4238 of 2004 shall stand dispose of in the following manner.

(a) this Suit No. 6113 of 1986 shall be consolidated with Suit No. 1126 of 1986, pending in the Honourable High Court, and to be heard togethe.

(c) The Registrar of this Court is directed to send records of and proceedings of this suit to the Honourable High Court within one week from today.

(d) Liberty to the parties apply before Honourable High Court, for getting expeditiously hearing of both the suits, which are pending since 1986.

4. In view of this, this Notice of Motion is allowed in terms of prayer clause (a) except bracketed portion.

Clause (a) - this Hon'ble Court be pleased to take on record the Plaint and proceedings of the Bombay City Civil Court Suit No. 6113 of 1986 filed between the parties herein and consolidate the same with the Suit No. 1126 of 1986 pending in this Hon'ble Court (and a date be fixed for hearing and final of both the suits together expeditiously.)

5. This Notice of Motion is disposed of accordingly.

[ANOOP V. MOHTA, J.]